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JAN 14 2004

**OFFICIAL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MUNEO, SAKURADA  
Serial No. 09/980,623  
Filed: 12/05/01  
Title: HEAT EXCHANGER

Group Art Unit: 3743  
Examiner: FLANIGAN, ALLEN

FACSIMILE TRANSMISSION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Submitted: 01/14/04

ATT: OFFICE OF PETITION.

Dear Sir:

In accordance with your telephone conversation today, transmitted herewith a copy of renewed petition under rule 181 filed on 08/20/03 and receipt thereof, total 15 pages including this cover page.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (703)872-9306 on January 14, 2004.

*S Takeuchi*  
Satoru Takeuchi  
Reg. No. 53,670  
Agent for Applicant  
Date: 01/14/04

KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
Tel: (703)519-9785

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JAN 14 2004

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Muneo Sakurada Technology Center: 3700  
Serial No. 09/980,623 Attention: Richard A. Bertsch  
Fed: 12/05/2001 Director  
Title: HEAT EXCHANGER

RENEWED PETITION UNDER RULE 181

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

We have received Decision on Petition mailed July 28, 2003, dismissing the petition filed March 4, 2003. The decision states that the petition did not comply with item (1). The item (1) calls for a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

In reply thereto, I hereby attest to the fact that a search of the file jacket and docket records (Exhibit 1 as filed March 4, 2003) indicates that the Office communication was not received.

Since we did not receive a filing receipt for this case almost one year after filing, we checked the file jacket and learned that the Combined Declaration for Patent Application and Power of Attorney prepared by Japanese council and executed in Japan on October 16, 2001, used the 727 S 23<sup>rd</sup> Street address (hereinafter "old address");

Application No.: 09/980,623

Page 2

Art Unit: 3743

however, the application transmittal letter signed by me, applicant's agent, and filed on December 5, 2001, when this application was filed in the USPTO, gives the current address, 1423 Powhatan Street, Alexandria, VA 222314, (hereinafter "current address"). A copy of which is attached hereto as Exhibit-2.

MPEP 601.03 provides that the correspondence address must either be in an application data sheet (37 CFR 1.76) or in a clearly identifiable manner elsewhere in any papers submitted with the application filing.

As set forth above, I specified the correspondence address in the application transmittal letter in a clearly identifiable manner. See Exhibit-2.

Further, a Preliminary Amendment (Exhibit-3) concurrently filed with the application shows my correct address as of the filing date of this application.

I reason that these two statements made by the applicant's agent of record on the date that the application was filed supersedes the previous applicant statement in the Power of Attorney but, in order to make it clear, as stated in the original petition, we filed a change of address on November 11, 2002, which predates the Notice of Abandonment mailed on February 7, 2003.

The decision further states, "it is unclear that petitioner has made a showing that the Office Action mailed July 26, 2002, was not received at the 727 S 23<sup>rd</sup> Street address.

In reply thereto, I hereby state that my office, Kanesaka & Takeuchi, moved out from the old address in the middle of May 1998 so that I was not at the old address at that time already. In fact, Mr. Masazumi Mori, Japanese patent attorney for this case, sent this application to us

Application No.: 09/980,623

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at the current address on November 19, 2001. A copy of the order letter is attached as Exhibit-4.

Therefore, it is apparent that we did not receive the Office Action at the old address or 727 S 23<sup>rd</sup> Street because I no longer had an office at the old address. I presume that the Post Office returned the mail to the USPTO. A check of the application file would have detected my address as given in the letter of transmittal or the Preliminary Amendment which accompanied the application at the time of filing.

ACTION REQUESTED

In view of the above, applicant respectfully requests that the Office withdraw the holding of abandonment and remail the Office action originally dated July 26, 2002, and thereby set a new date for response thereto.

Respectfully submitted,

August 20, 2003

KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
Tel: (703) 519-9785

  
Yusuke Takeuchi  
Reg. NO. 30,921  
Agent for Applicant

## RECEIPT

Docket No.: R0108T

Serial No.: 09/980,623

Filed: 12/05/01

Enclosed is:

Specification (      pages)  
 Drawings (      sheets)  
 Declaration with Power of Attorney  
 Assignment of the Invention  
 Priority Documents (      copies)  
 Information Disclosure Statement  
 Petition for Time Extension  
 Amendment (      pages)  
 Corrected Drawings (      sheets)  
 Issue Fee Transmittal  
 check in the amount of \$ \_\_\_\_\_

others Renewed Petition under rule 121



EXHIBIT 1

# COMPOSITION BOOK

100 SHEETS • 9 3/4 in. x 7 1/2 in.

受領 )-ト RECEIT NOTE

Pen-Tab

Pen-Tab Industries, Inc.  
Front Royal, Virginia 22630  
Virginia • Chicago • Los Angeles

MB100/50101

DATE RECEIVED	APPLICATION NO.	DOCKET NO.	MAILING DATE	OFFICE LETTER
7/25/02	09/1582,647	K-1909	7/22/02	Notice of Allowance
"	10/190,610	D-1330	7/23/02	Notice to file missing parts
"	10/180,970	D-1314	7/22/02	Notice to file missing parts
"	09/1912,480	D-1117	7/23/02	Notice of Allowance
7/29/02	09/1633,103	B 9902 T	7/25/02	Notice of Allowance
"	09/1943,001	S 0101 T	7/24/02	Office Action
"	09/1847,646	D-1109	7/25/02	"
"	09/1935,736	D-1149	7/29/02	Notice of Allowance
"	09/1793,728	D-1077	7/25/02	Notice of Abandonment
"	09/1655,445	D-1018	7/26/02	"
"	10/098,309	K-2042	7/26/02	Notice of Allowance
"	29/163,047	D-1312	7/25/02	Notice of File Missing
"	10/180,983	D-1296	7/25/02	"
7/31/02	09/1715,062	D-1015	7/29/02	Action
8/1/02	09/1806,057	R0102 T	7/30/02	Notice of Abandonment
"	US D460,975 S		7/30/02	Patent
"	US 6,426,988 B2	D-1061	7/30/02	"
"	09/495,270	K-1872	7/29/02	Notice of Allowance
"	09/1901,703	D-1130	7/29/02	Action
"	09/1789,843	K-1965	7/30/02	"
"	09/1771,712	D-1055	7/30/02	"
"	09/1771,711	D-1056	7/30/02	"
8/2/02	09/1780,605	K-1961	7/30/02	Notice of Allowability
"	09/1775,808	D-1073	7/30/02	Action
"	09/1870,459	H0123 T	7/30/02	"
8/5/02	10/1194,963	K-2064	7/31/02	File missing
"	29/163,524	D-1311	8/12/02	"

8/5/02	09/671,830	K-1925	8/2/02	Allowance	
"	09/1993,565	K-2025	8/2/02	ACTION	
"	09/1686,871	D-1013	8/2/02	"	
8/6/02	10/1185,733	K-2062	8/5/02	Filermissing	
"	10/078,449	D-1012CA	8/5/02	Allowance	
8/8/02	29/149,741	D-1188	8/6/02	Notice of Allowance	
"	6,428,016	D-1038	8/6/02	Letters Patent	
"	6,427,935	D-928	8/6/02	"	
"	6,427,299	D-1017	8/6/02	"	
"	6,427,471	D-1074	8/6/02	"	
"	6,430,366	K-1616CA	8/6/02	"	
"	6,429,587	K-1990	8/6/02	"	
"	6,428,095	K-1746	8/6/02	"	
"	09/664,730	K-1813CIP	8/5/02	Final Action	
8/9/02	10/189,191	D-1322	8/7/02	Filermissing	
"	10/190,601	D-1292	8/7/02	"	
"	29/164,048	D-1324	8/7/02	"	
8/12/02	09/1845,185	K-1976	8/19/02	Action	
"	09/1739,400	K-1949	7/29/02	Notice of Allowance	
"	09/1647,498	K-1929	8/19/02	"	
"	10/190,608	D-1329	8/19/02	No Roto File Missing	
"	29/164,031	D-1323	8/8/02	"	
"	10/189,200	D-1321	8/8/02	"	
"	09/1527,819	D-917	8/9/02	Advisory Action	
"	09/1644,793	K-1825CIP2	8/18/02	"	
8/15/02	10/190,609	D-1328	8/12/02	Filermissing	
"	09/1031,824	K-1705	8/12/02	Allowance	

**COPY****EXHIBIT 1**

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
FORM PTO-1390 (REV. 1-91)		R0108T
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.51)
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED
PCT/JP00/01935	March 29, 2000	July 19, 1999

TITLE OF INVENTION  
HEAT EXCHANGER

APPLICANT(S) FOR DO/EO/US

Muneo SAKURADA and Soichi KATO

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
8.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13.  A FIRST preliminary amendment.  
 A SECOND or SUBSEQUENT preliminary amendment.14.  A substitute specification.15.  A change of power of attorney and/or address letter.16.  Other items or information:

U.S. APPLICATION NO. (43 CFR 1.492(e), 37 CFR 1.31)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
N/A	PCT/JP00/01935	R010BT
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS PTO LSC 10/1
Basic National Fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO..... \$830.00		
International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$640.00		
No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).. \$710.00		
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37CFR 1.445(a)(2)) paid to USPTO..... \$950.00		
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4)..... \$90.00		
<b>ENTER APPROPRIATE BASIC FEE AMOUNT</b>		\$ 890
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$
Claims	Number Filed	Number Extra
Total Claims	10 -20 -	0
Independent Claims	1 -3 -	0
Multiple dependent claims(s) (if applicable)		+ \$230.00
<b>TOTAL OF ABOVE CALCULATIONS</b>		\$ 0
Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).		\$
<b>SUBTOTAL</b>		\$
Processing fee of \$130.00 for furnishing the English translation later the <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+ \$
<b>TOTAL NATIONAL FEE</b>		\$ 890
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+ \$ 40
<b>TOTAL FEES ENCLOSED</b>		\$ 930
		Amount to be: refunded \$ charged \$

a.  A check in the amount of \$ 930 to cover the above fees is enclosed.

b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 20-0060. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA22314  
Attn: Yusuke Takeuchi  
Tel: (703)519-9785  
Fax: (703)519-7769

SIGNATURE

Yusuke Takeuchi

NAME

30,921

REGISTRATION NUMBER

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JAN 14 2004

EXHIBIT-3

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SAKURADA, M

Group Art Unit: N/A

Serial No. N/A

Examiner: N/A

Filed: 12/06/01

Title: HEAT EXCHANGER

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents      Submitted: 12/06/01  
Washington, D.C. 20231

Dear Sir:

Please amend the above-identified patent application as follows:

In the Claim:

Please amend claims 4-6 to read as follows:

--4. (Amended) The heat exchanger according to claim 1 or 2, wherein the two or more heat exchangers disposed in parallel have a space of 15 mm or less between them.

5. (Amended) The heat exchanger according to claim 1 or 2, wherein one of the heat exchangers is a condenser and the other is a radiator.

6. (Amended) The heat exchanger according to claim 1 or 2, wherein the two or more heat exchangers are integrally configured using a common member.--

## REMARKS

Application Number: N/A

page 2

Art Unit: N/A

This amendment is to avoid multiple depending claims which are dependent upon another multiple depending claim.

Respectfully submitted,



Yusuke Takeuchi

Reg. No. 30,921

Agent for Applicant

Date: 12/05/01

KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
Tel.: (703) 519-9785

Application Number: N/A

page 3

Art Unit: N/A

VERSION WITH MARKINGS TO SHOW CHANGES MADE

--4. (Amended) The heat exchanger according to [any of claims 1 to 3] claim 1 or 2, wherein the two or more heat exchangers disposed in parallel have a space of 15 mm or less between them.

5. (Amended) The heat exchanger according to [any of claims 1 to 4] claim 1 or 2, wherein one of the heat exchangers is a condenser and the other is a radiator.

6. (Amended) The heat exchanger according to [any of claims 1 to 5] claim 1 or 2, wherein the two or more heat exchangers are integrally configured using a common member.--

**MORI PATENT OFFICE**

9-10 HONCHO 2-CHOME  
NAKANO-KU, TOKYO 164  
JAPAN  
TEL (03) 3373-9510  
FAX (03) 3372-3981

**EXHIBIT - 4**

Mr. Yusuke Takeuchi  
KANESAKA & TAKEUCHI  
1423 Powhatan Street  
Alexandria, VA 22314  
U.S.A.

November 19, 2001

Re: U.S Patent Application corresponding to PCT/JP00/01935  
Zexel Valeo Climate Control Corporation  
Our Ref.: P-451

Dear Mr. Takeuchi,

In connection with the above-mentioned international application, we hereby request you to take necessary steps for entry into the national phase before the USPO by January 19, 2002 the latest.

**PARTICULARS**

**TITLE: HEAT EXCHANGER**

**ASSIGNEE:**

Zexel Valeo Climate Control Corporation  
39, Aza-Higashihara, Oaza-sendai, Kohnan-machi, Oosato-gun, Saitama  
360-0193, Japan

(Note: Assignee's name and address have been changed to the above mentioned from Bosch Automotive System Corp.)

**INVENTORS:**

Muneo SAKURADA  
Seichi KATO  
c/o Zexel Valeo Climate Control Corporation  
39, Aza-Higashihara, Oaza-sendai, Kohnan-machi, Oosato-gun, Saitama  
360-0193 Japan

**INTERNATIONAL APPLICATION NO.: PCT/JP00/01935**

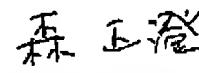
INTERNATIONAL FILING DATE: Mar. 29, 2000

PRIORITY: Japan Patent App. No.11-204354(Jul.19, 1999)

DOCUMENTS HEREWITH: 1. English translation  
2. Drawings  
3. International Search Report  
4. Cover sheet of WO publication  
5. Notification of the recording of a change  
6. Floppy disk  
7. Declaration/Power of Attorney

Please kindly acknowledge your receipt of this letter and enclosures by facsimile.

Very truly yours,



Masazumi Mori

Encls.